

AWB:hla 7/20/99 8151-53145Dec&POA.doc

Express Mail Label No. EL121368101US

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BS2 RESISTANCE GENE**, the specification of which

☒ is attached hereto. .

☐ was filed on _____ as Application No. _____.

☐ was described and claimed in PCT International Application No. _____, filed on _____, and as amended under PCT Article 18 on _____ (if applicable).

☐ and was amended on _____ (if applicable).

☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

80/093,967

July 23, 1998

Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 385(c) of any PCT International application(s) designating the United

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States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

(Application No.)

(Filing Date)

(Status: patented,
Pending, abandoned)

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Name	Reg. No.	Name	Reg. No.
BEAN, Gregory V.	36,448	MAURER, Gregory L.	43,781
BECKER, Mark L.	31,325	MEYER, Joel R.	37,877
BELL, Adam W.	43,480	NOONAN, William D.	30,878
CALDWELL, Lisa M.	41,853	PETERSEN, David P.	28,106
CAMPBELL, James	19,878	POLLEY, Richard J.	28,107
CONINGSBY, Donna J.	41,884	SCOTTI, Robert F.	39,830
DeGRANDIS, Paula A.	43,681	SLATER, Stacey C.	38,011
GIRARD, Michael P.	38,467	STEPHENS JR., Donald L.	34,022
JAKUBEK, Joseph T.	34,180	STUART, John W.	24,640
JOHNSON, Michelle L.	38,362	VANDENBERG, John D.	31,312
JONES, Michael D.	41,879	WHINSTON, Arthur L.	18,156
KLARQUIST, Kenneth S.	18,445	WIGHT, Stephen A.	37,759
KLITZKE II, Ramon A.	30,188	WINN, Garth A.	33,220
LEIGH, James S.	20,434		

Address all telephone calls to Adam W. Bell, Ph.D. at telephone number (503) 228-7391.

Address all correspondence to:

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1800
121 S.W. Salmon Street
Portland, OR 97204-2988

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

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States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or first Inventor: Brian J. Staskewicz

Inventor's Signature

Brian J. Staskewicz

7/23/99

Date

Residence: Castro Valley, California

Citizenship: USA

Post Office Address: 18945 Marciel Court, Castro Valley, California 94546

Full Name of Second Joint Inventor, if any: Douglas Dahlbeck

Inventor's Signature

Douglas Dahlbeck

7/23/99

Date

Residence: Castro Valley, California

Citizenship: USA

Post Office Address: 18851 Lenore Court, Castro Valley, CA 94546

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KLARQUIST SPARKMAN

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Express Mail Label No. EL121366101US

Full Name of Third Joint Inventor, if any: Thomas H. Tai

Inventor's Signature _____

Date

Residence: Stuttgart, Arkansas

Citizenship: USA

Post Office Address: 805 S. Vine St., #5, Stuttgart, Arkansas 72160

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COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BS2 RESISTANCE GENE, the specification of which

- ☒ is attached hereto.
- ☐ was filed on _____ as Application No. _____.
- ☐ was described and claimed in PCT International Application No. _____, filed on _____, and as amended under PCT Article 19 on _____ (if applicable).
- ☐ and was amended on _____ (if applicable).
- ☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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<table><tr><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>(Number)</td><td>(Country)</td><td>(Day/Month/Year Filed)</td></tr></table>	_____	_____	_____	(Number)	(Country)	(Day/Month/Year Filed)	<table><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Yes</td><td>No</td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
_____	_____	_____									
(Number)	(Country)	(Day/Month/Year Filed)									
<input type="checkbox"/>	<input type="checkbox"/>										
Yes	No										

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/093,957	July 23, 1998
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United

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(Application No.)

(Filing Date)

(Status: patented,
Pending, abandoned)

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BELL, Adam W.	43,490	NOONAN, William D.	30,878
CALDWELL, Lisa M.	41,653	PETERSEN, David P.	28,106
CAMPBELL, James	19,978	POLLEY, Richard J.	28,107
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DeGRANDIS, Paula A.	43,581	SLATER, Stacey C.	36,011
GIRARD, Michael P.	38,467	STEPHENS JR., Donald L.	34,022
JAKUBEK, Joseph T.	34,190	STUART, John W.	24,540
JOHNSON, Michelle L.	36,352	VANDENBERG, John D.	31,312
JONES, Michael D.	41,879	WHINSTON, Arthur L.	19,155
KLARQUIST, Kenneth S.	16,445	WIGHT, Stephen A.	37,759
KLITZKE II, Ramon A.	30,188	WINN, Garth A.	33,220
LEIGH, James S.	20,434		

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KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, OR 97204-2988

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

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Express Mail Label No. EL121366101US

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or first Inventor: Brian J. Staskawicz

Inventor's Signature _____

Date

Residence: Castro Valley, California

Citizenship: USA

Post Office Address: 18945 Marciel Court, Castro Valley, California 94546

Full Name of Second Joint Inventor, if any: Douglas Dahlbeck

Inventor's Signature _____

Date

Residence: Castro Valley, California

Citizenship: USA

Post Office Address: 18851 Lenross Court, Castro Valley, CA 94546

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Express Mail Label No. EL121366101US

Full Name of Third Joint Inventor, if any: Thomas H. Tal

Inventor's Signature

John H. Ji

7-20-79

Date _____

Residence: Stuttgart, Arkansas

Citizenship: USA

Post Office Address: 905 S. Vine St., #5, Stuttgart, Arkansas 72160

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Express Mail Label No. EL121366101US

Applicant or Patentee: Staskawicz et al. Matter No. 5151-53146

Serial or Patent No.: new Filed or Issued: filed herewith

For: B92 RESISTANCE GENE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR §1.9(f) AND §1.27(d))—NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below

NAME OF ORGANIZATION The Regents of the University of California

ADDRESS OF ORGANIZATION 111 Franklin St., 12th Floor

Oakland, California 94607-5200

TYPE OF ORGANIZATION

- [X] University or other institution of higher education
- [] Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)
- [] Nonprofit scientific or education under statute of state of the United States of America
- Name of state _____ Citation of statute _____
- [] Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3) if located in the United States of America
- [] Would qualify as Nonprofit scientific or education under statute of state of the United States of America if located in the United States of America
- Name of state _____ Citation of statute _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 51.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled
B82 RESISTANCE GENE

By inventor(s) Brian J. Staskawicz, Douglas Dahlback, and Thomas H. Tai

Described In: ☒ The Specification Filed Herewith.
☐ Application No. _____ Filed _____
☐ Patent No. _____ Issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 CFR §1.8(d), or a nonprofit organization under 37 CFR §1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

FULL NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

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KLARQUIST SPARKMAN

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FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION


I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING William A. Hoskins

TITLE IN ORGANIZATION Director of Office of Technology Licensing

ADDRESS OF PERSON SIGNING 2150 Shattuck Avenue, Suite 510, Berkeley, CA 94720-1620

SIGNATURE 

DATE July 29 1999

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